IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11585 of 2004

Between:

L. Jaswanth Reddy, S/o. L. Narayan Reddy,
R/o. Gummadam Village, Pebber Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Grama Panchayath, Gummadam Village, Pebber Mandal, Mahaboobnagar District,
rep by its Village Secretary
2 The District Registrar, Stamps and Registration, Mahaboobnagar District, at Mahaboobnagar.
3 The Sub-Registrar, Stams and Registration, Vanaparthy of Mahaboobnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent is issuing house construction permission over the land in Sy.No. 193 and 815 vested in the government at Gummadam Village, Pebber Mandal and further being aggrieved by the 2nd and 3rd respondents in not considering the representation of the petitioner not to entertain the execution of the Registered sale deeds in respect of the above mentioned Government land, as illegal, unlawful, arbitrary against the provisions of A.P. Grama Panchayat Act and also contrary to the Registration Act and Rules made there under and also unconstitutional and consequently direct the 2nd and 3rd respondents not to entertain the execution of sale deeds is respect of the above government 1 and further the 1st respondent may be directed not to grant any house construction permission over the said land and to grant any house construction permission over the said land and to protect the same for the village purpose and pass

Counsel for the Petitioner:MR.M.DAMODAR REDDY
Counsel for the Respondent No.1: GP FOR REVENUE
Counsel for respondents 2 and 3:G.Jyothi Eswar, Standing Counsel

The Court made the following :

ORDER:

The writ petition is filed seeking a writ of mandamus directing first respondent not to grant any permission for construction of house in the government land in Sy.Nos.193 and 815 of Gummadam village in Mahbubnagar District. The petitioners also seek a direction to respondents 2 and 3 not to entertain sale deeds for registration in respect of the said land.

When Gummadam village was submerged in the Srisailam project, the villagers constructed a new village in the patta land covering Sy.Nos.193 and 815. The villagers divided the said land into house sites leaving some extent of land towards *Grama Kantham* for community purpose. In the said land, the Government constructed a bus shelter, water tank, and some land is left open for further development. However, some persons are trying to grab the land by creating sale deeds and obtaining permission from first respondent for construction of houses. Since the land is vested in the Government, respondents 2 and 3 cannot entertain sale deeds for registration and respondent No.1 cannot grant permission for construction of houses in the said land. The petitioners have made representations to respondents 2 and 3 requesting him not to entertain sale deeds for registration in respect of the land in Sy.Nos.193 and 815. As no action is taken, they filed the present writ petition.

The grievance of the petitioner is that some people in the village are encroaching the land of the Gram Panchayat and selling it away and respondents 2 and 3 are allowing registration of the said land and 1st respondent is granting permission for construction of houses.

The 1st respondent is not bound to go into the title before granting permission for construction and so also the respondents 2 and 3 cannot verify the title before registering the lands. The persons who purchase such lands would be doing so at their own risk and peril. If the petitioner is interested in protecting the gram

panchayat land, he has to bring the same to the notice of the revenue officials for necessary action. But no direction as prayed for by the petitioner in this writ petition can be granted.

In the circumstances, the petitioner may bring the alleged encroachments of the land of the Gram Panchayat to the notice of the concerned revenue officials i.e., Mandal Revenue Officer/Revenue Divisional Officer/District Collector by way of making a representation and if any such representation is made, the Mandal Revenue Officer/Revenue Divisional Officer/District Collector shall investigate in to the same and take necessary action in the matter.

The writ petition is disposed of with the above observations.

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15-7-2004

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To

1. Village Secretary, Gram Panchayat, Gummadam village, Pebber Mandal, Mahaboobnagar District

2. The District Registrar, Stamps and Registration, Mahaboobnagar

3. The Sub-Registrar, Stamps and Registration, Vanaparthy, Mahaboobnagar District

4. Two C.Cs. to G.P. for Revenue, High Court Buildings (OUT)
5. The M.R.O, Pebber Mandal, Mahaboobnagar District
6. The R.D.O, Mahaboobnagar
7. The District Collector, Mahaboobnagar.
8. Two C.D. copies.